

REMARKS

The invention is directed at a rinse agent composition that addresses the issue of water solids filming in the presence of rinse water that can be characterized as "hard" water. While rinse agent compositions are generally directed at providing good sheeting properties to avoid spotting, in the presence of hard water there remains a tendency for the appearance of a visible film caused by the level of dissolved solids provided in the water. The Examiner's attention is directed to the discussion in the specification of the above-identified patent application at page 4, line 4 through page 5, line 28. By providing a rinse agent composition that includes a large amount of humectant relative to the sheeting agent, it is possible to reduce the appearance of visible film caused by hard water or water characterized as having a total dissolved solids content in excess of 200 ppm.

According to independent claim 40, the invention is directed at a composition comprising a sheeting agent and a humectant. The sheeting agent comprises a nonionic block copolymer surfactant in an amount for promoting draining of sheets of water from a surface, wherein the nonionic surfactant copolymer comprises ethylene oxide and propylene oxide units. The humectant comprises glycerine and at least one other humectant, wherein the humectant contains greater than 5 wt.% water equilibrated at 50% relative humidity and room temperature. The ratio of the total amount of humectant to the total amount of sheeting agent is greater than 1:2. In addition, the composition, when provided as an aqueous rinse containing an active materials concentration of 10 ppm to 500 ppm, reduces water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids compared to an aqueous rinse not containing the humectant.

According to independent claim 47, the invention is directed at a composition comprising at least 10 wt.% sheeting agent comprising polyoxyethylene-polyoxypropylene block copolymer, and at least 10 wt.% humectant comprising glycerine and at least one other humectant wherein the humectant comprises a material that contains greater than 5 wt.% water when the humectant is equilibrated at 50% relative humidity and room temperature. In addition, the weight ratio of the total amount of humectant to the total amount of sheeting agent is about 1:3 to about 1:1.

Restriction Requirement

The characterization in the outstanding Office Action of the election of species requirement as a restriction requirement is not understood. Nevertheless, it is believed that the issue has been rendered moot by the identification, in the independent claims, of the presence of a sheeting agent comprising a nonionic block copolymer comprising ethylene oxide and propylene oxide units or a polyoxyethylene-polyoxypropylene block copolymer. It is additionally pointed out that claims 44-46 are canceled. Accordingly, it is believed that the restriction requirement has been rendered moot.

Prior Art Rejections

The outstanding Office Action includes several prior art-based rejections. It is pointed out that claims 47-52 were entered into the above-identified patent application as a result of the amendment mailed on July 9, 2004. Because claims 47-52 have not been rejected, and it is therefore believed that claims 47-52 are allowable over the prior art of record.

Rejections Under 35 U.S.C. §102(b) over U.S. Patent No. 4,260,528 (*Fox*) and U.S. Patent No. 5,501,815 (*Man*)

Claims 27, 31, 35, and 39 stand rejected under 35 U.S.C. §102(b) over *Fox et al.* Claims 27-31, 35, and 39 stand rejected under 35 U.S.C. §102(b) over *Man*. It is believed that these two rejections have been rendered moot by the cancellation of claims 27-31, 35, and 39. Accordingly, withdrawal of these rejections is requested.

Rejection Under 35 U.S.C. §103(a) over U.S. Patent No. 5,516,452 (*Welch et al.*)

Claims 27, 30-33, 35-37, 39, 40, 42, and 43 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,516,452 (*Welch et al.*). This rejection has been rendered moot as it applies to canceled claims 27, 30-33, 35-37, 39, and 42. The rejection as it applies to claims 40 and 43 is traversed.

Welch et al. disclose an aqueous home or industrial/institutional rinse-aid composition that includes an anionic hydrotrope and a blend of two specifically defined nonionic surfactants. The anionic hydrotrope can be present in an amount of approximately 0.75 to 5 percent by

weight and the blend of nonionic surfactants can be present at approximately 10 to 80 percent by weight. See *Welch et al.* at column 2, lines 44-51 and 13-40. *Welch et al.* disclose that "auxiliary components ... may also be included in the aqueous rinse-aid composition of the present invention in a minor total concentration up to about 10 percent by weight." See *Welch et al.* at column 4, lines 40-43. Propylene glycol is listed as one of the "auxiliary components." See *Welch et al.* at column 4, lines 46-52.

Welch et al. fail to disclose a composition containing glycerine and at least one other humectant, wherein the weight ratio of the total amount of humectant to the total amount of sheeting agent is greater than 1:2 according to claim 40. In addition, nowhere do *Welch et al.* disclose that their rinse-aid composition, when provided as an aqueous rinse containing an active materials concentration of 10 ppm to 500 ppm, reduces water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids compared to an aqueous rinse not containing the humectant according to claim 40.

Nowhere does the outstanding Office Action explain why one having ordinary skill in the art would be motivated from *Welch et al.* to achieve the presently claimed invention. No reason has been provided for using glycerine and at least one other humectant. In addition, no reason has been provided why one would expect the rinse aid composition disclosed by *Welch et al.* to achieve the reduced water solids filming characterized by the present invention. Accordingly, the claimed invention would not have been obvious from *Welch et al.*, and withdrawal of the rejection over *Welch et al.* is requested.

Rejection Under 35 U.S.C. §103(a) over U.S. Patent No. 5,589,099 (*Baum*)

Claims 27-31, 33-35, and 39-43 stand rejected under 35 U.S.C. §103(a) over *Baum*. It is believed that this rejection has been rendered moot as it applies to claims 27-31, 33-35, 39, and 42. The rejection as it applies to claims 40, 41, and 43 is traversed.

Baum discloses a rinse agent composition containing polyoxyethylene-polyoxypropylene block copolymers. See *Baum* at column 3, lines 49-65. *Baum* identifies a list of solvents that can be used with water at column 6, lines 31-42. Glycerine and propylene glycol are two of the listed "solvents." See *Baum* at column 6, line 41. There is no disclosure or suggestion by *Baum*

that any of these "solvents" can be provided in a composition at a weight ratio of "solvent" to sheeting agent of greater than 1:2 to provide reduced water solids filming. There is no disclosure by *Baum* that would lead one skilled in the art to select an amount of humectant to sheeting agent according to the present invention.

It is pointed out that *Baum* fails to suggest utilizing an amount of glycerine and at least one other humectant to address water solids filming problems that are addressed by the presently claimed invention. According to claim 40, when the presently claimed rinse agent composition is provided as an aqueous rinse containing an active materials concentration of 10 ppm to 500 ppm, water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids is reduced compared to an aqueous rinse not containing the humectant component. This performance criteria is neither disclosed nor suggested by *Baum*.

In view of the above comments, one skilled in the art would not have received a suggestion from *Baum* to modify the disclosure of *Baum* to achieve the present invention. Accordingly, withdrawal of the rejection over *Baum* is requested.

Rejection Under 35 U.S.C. §103(a) over U.S. Patent No. 5,880,089 (*Lentsch et al.*)

Claims 27-31, 33-35, and 39-43 stand rejected under 35 U.S.C. §103(a) over *Lentsch et al.* It is pointed out that claims 27-31, 33-35, 39, and 42 have been canceled by the above amendment. Accordingly, it is believed that the rejection has been rendered moot at least with respect to the canceled claims. To the extent the rejection applies to claims 40, 41, and 43, this rejection is traversed.

Lentsch et al. disclose a rinse agent composition for use on plastic articles. See *Lentsch et al.* at column 3, lines 26-47. The rinse agent composition can include a siloxane surfactant, a polyether prepared from ethylene oxide and propylene oxide, and a hydrotrope. See *Lentsch et al.* at column 3, line 48 through column 6, line 48.

Lentsch et al. are not directed at a composition comprising a sheeting agent and a humectant that addresses the issue of water solids filming in the presence of rinse water containing in excess of 200 ppm total dissolved solids according to the present invention. The rinse agent composition according to the present invention provides a sheeting agent comprising

a nonionic block copolymer surfactant and a humectant comprising glycerine and at least one other humectant, wherein the ratio of the total amount of humectant to the total amount of sheeting agent is greater than 1:2 (claim 40). Clearly, the presently claimed rinse agent composition is neither disclosed nor suggested by *Lentsch et al.*

The outstanding Office Action refers to *Lentsch et al.* at column 10, line 12+ for the disclosure of "solvents" such as glycerine and propylene glycol. It is pointed out that *Lentsch et al.* fail to suggest utilizing an amount of glycerine and propylene glycol to address the water solids filming issue addressed by the presently claimed invention. It is submitted that one having ordinary skill in the art would not have received the suggestion from *Lentsch et al.* to provide a rinse agent composition containing a ratio of total amount of humectant to total amount of sheeting agent according to the present invention.

In view of the above comments, the claimed invention would not have been obvious from *Lentsch et al.*, and withdrawal of the outstanding rejection is requested.

Rejection Under 35 U.S.C. §103(a) over *Man*

Claims 27-31, 35, and 39 stand rejected under 35 U.S.C. §103(a) over *Man*. It is pointed out that this rejection has been rendered moot by the cancellation of claims 27-31, 35, and 39. Accordingly, withdrawal of this rejection is requested.

Rejection Under 35 U.S.C. §103(a) over *Fox et al.*

Claims 27, 30, 31, 33-35, 39, 40, 42, and 43 stand rejected under 35 U.S.C. §103(a) over *Fox et al.* It is pointed out that claims 27, 30, 31, 33-35, 39, and 42 are canceled by the above amendment, and the rejection of these claims has been rendered moot. To the extent that the rejection applies to claims 40 and 43, the rejection is traversed.

Fox et al. disclose an automatic dishwasher detergent containing a number of components such as a surfactant, a builder, an alkalinity agent, a thickener, a polyhydric alcohol, urea, and water. See *Fox et al.* at column 2, line 67 through column 3, line 11. Accordingly, *Fox et al.* is directed at a composition that provides for cleaning in an automatic dishwasher and is not directed at providing a rinse agent composition. No reason has been provided in the

outstanding Office Action to explain why one having ordinary skill in the art would expect the dishwasher detergent composition disclosed by *Fox et al.* to achieve the reduced water solids filming properties provided by the presently claimed invention. In fact, it is believed that the components in the dishwasher detergent composition disclosed by *Fox et al.*, such as the thickener, would have a deleterious effect on the reduction of water solids filming.

In view of the above comments, the present invention would not have been obvious from the liquid dishwasher composition disclosed by *Fox et al.*, and withdrawal of the rejection over *Fox et al.* is requested.

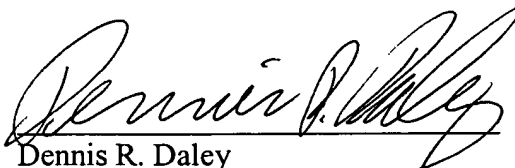
Rejection Under the Doctrine of Obviousness-Type Double Patenting

Claims 27, 30-32, and 34-39 stand rejected under the doctrine of obviousness-type double patenting over claims 1-4, 8, 10, and 12-14 of U.S. Patent No. 6,673,760. It is pointed out that claims 27, 30-32, and 34-39 are canceled by the above amendment. Accordingly, it is believed that this rejection has been rendered moot, and withdrawal of this rejection is requested.

It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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